of action to be taken by the police. It seems to me that if all your suggestions are carried out the luckless car driver will more or less be a ticket-of-leave man pursuing his career of villainy under police surveillance. The police have already taken up the question of imposing an effective mechanical checking and scrutiny of all motor vehicles plying for hire. Qualified officers have just been appointed and they will soon be on the road. And before the next Assembly meets you will not find such frequent occasion for irregularities to go unnoticed.

33. Traffic Regulation and Control.

MR. K. MUHAMMAD ALI (*Member, Nominated*) said that there was urgent necessity for introducing a more careful and effective supervision of motor vehicles which were increasing in large numbers day by day. Motor traffic was becoming more and more popular but it was regrettable that accidents too were on the increase. The Commissioner of Police was no doubt endeavouring to minimise the accidents; and the appointment of two Traffic Inspectors was admittedly a step in the right direction. But the Inspectors were competent only to control traffic by preventing overspeeding and overloading, which were being vigilantly watched and controlled. But accidents were more often the result of defective machinery than of overspeeding or overloading. That explained why accidents were generally caused to buses and not to private motor cars even though the latter were allowed a higher speed-limit. The private owner kept his car in good condition and engaged competent drivers to ensure personal safety, while the bus-owner was anxious to make as much profit as possible at the minimum cost. As a result, the buses were entrusted to irresponsible drivers. It was, therefore, absolutely necessary to ensure constant supervision and examination of the mechanical fitness and safety of the buses. When such examination was being conducted by the Motor Bus Inspector, accidents were fewer in number. The existing arrangement under which motor cars were subject to half-yearly inspection by officers of the Public Works Department and even private individuals was not satisfactory. The chief defect was that the officers testing the buses had no knowledge of motor mechanism. Secondly, once the bus was tested, the responsibility of the testing officer ceased for a period of six months after which alone he examined it again. In practice, some bus-owners fitted in good parts at the time of examination and removed them afterwards, a trick which could not be played if the buses were subject to constant examination. Further, a bus might get into disorder at any moment. A third defect was that, under the new arrangement, the testing officer got half the fee charged for testing a bus. Therefore, the larger the number of buses checked, the greater his fee. The examination would inevitably therefore be less strict because the officer's aim would be to test as many buses as he could during a limited time. The above defects could be avoided if a full-time qualified Motor Engineer be appointed; and the member urged on the Government the need for employing such an officer, to work directly under the orders of the Commissioner of Police.

As regards the grant of licenses to motor drivers, the member was at one with the proposals made by the previous speaker. He repeated also two other suggestions made by the previous speaker, *viz.*, the widening of sharp bends on the roads and the increase of speed-limits of motor buses to 16 miles an hour in highways and a reasonably slower speed within municipal limits.

The member then referred to the irregularity prevalent in the Kottayam-Mundakayam lorries. Passengers were taken on the tops of goods carried in the lorries and were subject to the tender mercies of the weather. That was also a source of danger especially when the passengers were on the top of a big load. If the passenger was not vigilant, he was sure to be knocked down by overhanging branches of trees or by telegraph wires. Some time ago, some kerosene oil tins carried on a lorry caught fire and a passenger seeing the flames jumped out and died on the spot. It was absolutely necessary to put a stop to the practice of carrying passengers on the top of goods.

Passing on to the question of boat traffic, the member said that the boat-owners were circumventing the rules regarding capacity for accommodating passengers in the several classes. Under the rules, 6 square feet of area should be

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reserved for a third class passenger, 12-square feet for a second class passenger and 24 square feet for a first class passenger. In order to evade the rules, the boat-owners gave out that they had only third class accommodation but sub-divided that class into III a, III b and III c. That device enabled them to take the full number of passengers according to third class accommodation and also to recover varying rates of fares. Boat-owners were also extracting more money from the passengers in times of rush. No steps were taken to put a stop to such irregular practices. It would therefore be better to leave the control over boat-traffic with the Police instead of with the Public Works Department.

In conclusion, he advocated the abolition of tolls on motor vehicles used for passenger traffic. Tolls were levied at various stations rendering the cost of motor traffic prohibitive. Owing to competition, the fares on the buses had to be considerably reduced, with the result that the motor transport business was not as paying as it used to be. In the interests of traffic enterprise and the material welfare of the people, the tolls should be abolished. The loss of revenue under this item could easily be made up by a substantial customs duty on petrol and the fee levied for testing motor buses and giving licenses to motor drivers.

DEWAN'S REPLY: Mr. Muhammad Ali, permit me to congratulate you on the business-like attitude and the respect you have shown for the time of this House in not traversing the ground that has been previously covered.

In the matter of Mundakayam-Peermade lorries, upon the goods which they carry you find persons perilously perched. Let me remind you that a prudent man does not indulge in those things and a reckless man who dares to do so does it with his eyes open. We cannot have general legislation because one man jumped under the wheel of a truck and thereby died and because one man 10 years ago had his head knocked off by a tree—I am told he did not do it, but he nearly did it. For such a course of isolated accidents we cannot make a general rule.

In the matter of steam boat traffic, *i. e.*, launch traffic, you have given us a typical instance of the wonderful capacity some people have for circumventing the rules and getting round regulations. Mr. Natesa Aiyar has been in office for the last few years and he and his officers have been trying their best ; and I have no doubt that as the people learn to exact their money's worth they will get better accommodation. However, Mr. Natesa Aiyar has promised to go into the whole matter once more.

34. Administration of Civil Justice.

MR. R. RAMAN PILLAI (*Member, Quilon taluk, Group I*) stated that, although several representations had been made on the subject at previous sessions of the Assembly, the defects pointed out still remained. The only action the Government took on the representations relating to the Judicial Department was to send them to the High Court. Formerly, the representations, the views of the High Court and the orders of Government used to be published in the *Gazette*. The practice had since been stopped. At the twentieth session, the member had brought up the same subject for representation. The then President was the Chief Justice who, as a result of that representation, made several provisions in the *Civil Courts' Guide*.

The attitude of the High Court in regard to representations made in the Assembly was not satisfactory. Formerly, one of the High Court Judges used to be present to hear the representations on judicial matters but the practice had been stopped. If a judge was present, he could clearly understand the spirit of the representations. But when abstracts of the representations alone were sent to the High Court, they were characterised as vague. If the High Court paid proper attention to the defects pointed out, they would have ceased to exist and the public would have been benefited.

Great difficulty was being experienced by the constant and conflicting decisions of the High Court on the same subject or question of law or interpretation of statutes. When the decisions were not uniform, the resulting confusion could easily be imagined. As an instance, the member said that there were four or five conflicting decisions based on Section 17 of the Nayar Regulation, I of 1088, in regard

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